

Leave of Absence / Employee Section

Kin Care

1. What Is Kin Care?

“Kin Care” is a right granted to eligible employees, including UC employees, under the California Labor Code. Kin Care authorizes employees to use up to one-half ($\frac{1}{2}$) of the sick leave that they accrue annually, to take time off to care for a sick family member. You do not receive additional sick leave under Kin Care. Instead, sick leave taken under Kin Care is protected and may not be “counted against” or used as a basis for disciplining absenteeism, for example.

2. Who Is Eligible For Kin Care?

If you accrue sick leave, then you are eligible for Kin Care. Employees who are not eligible for sick leave, such as per diem employees, are not eligible for Kin Care.

In addition, you must have sick leave available to use on the day of the absence for that absence to be covered under Kin Care. Unfortunately, if you have exhausted your sick leave, you cannot claim that absence under Kin Care.

3. How Much Kin Care Can I take each Calendar Year?

No more than one-half of your annual accrued sick leave benefits can be counted as Kin Care. For a full-time career employee, for example, this would mean no more than 48 hours of sick leave can be counted as Kin Care.

- **Calculation:** Full time employee accrues 8 hours of sick leave per month (96 hours of sick leave per year) and thus could take no more than 48 hours for Kin Care in a calendar year.

4. What Health Conditions are Covered under Kin Care?

You may take Kin Care to care for an ill family member. For purposes of Kin Care, an “illness” encompasses minor illnesses, a cold, the Flu and of course serious health conditions. This is different from Family and Medical Leave (“FMLA”), which is limited to serious, chronic health conditions.

If you need to take sick days to care for a family member with a serious or chronic health condition, the absence may qualify under both FMLA and Kin Care. Please contact your HR Representative to go over your specific situation.

5. What Constitutes a “Family Member” for Purposes of Kin Care?

Qualifying “family members” for coverage under Kin Care include the following:

- Your Spouse or Registered Domestic Partner.
- Your Child:
 - The term “child” includes biological, adopted, foster child, stepchild, legal ward, child of a domestic partner, or a child in loco parentis of the employee.
 - **Note:** A “child” is not required to be a minor (under 18 years of age) to be covered under Kin Care.

➤ Your Parent:

- The term “parent” includes biological, foster or adoptive parent, a stepparent or a legal guardian.
 - **Note:** Mothers-in-law, fathers-in-law, and grandparents are not considered “parents” for purposes of Kin Care.)

6. How do I Keep Record of My Hours under Kin Care?

You must notify your supervisor and include a note in your timesheet if:

- The sick day is due to the your family member’s illness and your relationship with that relative (mother, child, etc.).
 - **Note:** The scope of your note should limited to protect the confidentiality of medical information of your family member’s health condition. For example, you do not need to reveal what the specific health condition is.

7. What if I am Covered by PTO?

The Paid Time Off (“PTO”) program provides employees with increased flexibility in planning time off by creating two leave banks:

- PTO Bank consisting of vacation plus one-half (½) of sick leave
- and**
- An Extended Sick leave (“ESL”) bank consisting of one-half (½) of sick leave.

For employees in the PTO Program, most absences allowable under Kin Care are charged to an employee's PTO Bank and reported as "PTO-S" for timekeeping purposes. The ESL bank would only be charged if you are absent for more than three consecutive work days. In that situation, the first three days would be charged to your PTO bank and beginning on the fourth day (third day for part-time employees) the absences would be charged to your ESL bank.

8. Does a Leave of Absence Form Need to be Submitted for Kin Care?

No. Typically, a Leave of Absence form does not need to be submitted unless you will be absent and use sick leave for more than three (3) continuous work days.

9. Is a Doctor's Note Required for Kin Care?

No. Typically, an employee taking Kin Care does not need to submit a doctor's note (or medical certification). In rare instances, for example, if you have been issued corrective action due to continuous absenteeism, you may be asked to provide a doctor's note for all sick days.

10. What about Attendance Rules/Policies?

Absences covered under Kin Care cannot be the basis for corrective action for violating an Attendance Policy/Rule and cannot be considered in performance evaluations. Likewise, absences taken under FMLA, Workers' Compensation, Bereavement or Disability leave cannot be counted against or be the basis of discipline for attendance violations.